

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: Harriet Menezes	BANKRUPTCY APPEAL Civil Action no. 05-40052-MLW no. 0540053-MLW
HARRIET MENEZES, Plaintiff, vs. U.S. DEPARTMENT OF EDUCATION, <i>et al.</i> Defendants.	Case No. 01-44067-HJB Chapter 7 Adv. Proceeding No. 01-4355-HJB

**ASSENTED-TO EMERGENCY MOTION TO CONTINUE MATTERS
SET FOR FEBRUARY 10, 2006**

NOW COMES the State University of New York Student Loan Service Center, (SLSC) Appellant-Creditor in the above-captioned appeal from the United States Bankruptcy Court, District of Massachusetts, Western Division and brings this Assented-to Motion to Continue Matters Set For February 10, 2006 at 2 pm (the "Motion"), with the assent of: the Educational Credit Management Corporation ("ECMC"); and Harriet Menezes; being all of the parties to the appeal pending before this Court. In support of the Motion, Appellant-Creditor states as follows:

1. An appeal was perfected from a decision of the Bankruptcy Court, District of Massachusetts, Western Division, and briefs filed by all parties. The pending appeal is a consolidation of two appeals from the same proceeding filed by the Appellant-Creditor and ECMC.

2. On February 8, 2006, your movant received telephone notification from the Court that oral argument on this matter had been granted, and scheduled for February 10, 2006 at 2 p.m. at the District Court in Boston Massachusetts. The Emergency nature of this motion arises from the limited amount of time between this application and the scheduled hearing tomorrow.

3. Your movant has other Court matters schedule in New York State Supreme Court at 11 a.m and also at 1 p.m. that day for which matters, your movant was unable to obtain consent for a continuance. Since the District Court is at great distance from your movant's Albany law office, it would be impossible to attend either of the matters on the Supreme Court calendar, and arrive in Boston prior to the end of the business day.

4. Counsel to each of the Defendants in this action have reviewed this motion and have no objection. Your movant represents to this Court that counsel for all parties have assented to the relief requested herein, and that no party will be prejudiced by the continuance.

WHEREFORE, Plaintiff respectfully requests that this court enter an order continuing the oral argument set for February 10, 2006, and adjourning the same to another day at the convenience of the Court; and granting such other and further relief as justice may require.

Dated: February 9, 2006

Respectfully submitted,

State University of New York Student
Loan Service Center

By its attorney,

s/Stephen M. Nagle

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Assented to:

Educational Credit Management Corporation,
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/s/ John F. White

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Assented to:

Harriet Menezes

By her attorney,

s/ Philip F. Coppinger (BB) 641664)

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